



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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March 10, 2004

TO: Washington State Board of Health Members
FROM: Carl Osaki, Member
**RE: ONSITE WASTEWATER RULE DEVELOPMENT COMMITTEE
REPORT**

Summary

Last May the Board heard an update on the Onsite Wastewater Rule Development Committee (Onsite RDC) and an overview of onsite wastewater treatment issues. The Onsite RDC report is now complete, and its recommendations have been incorporated into a draft onsite wastewater treatment rule, chapter 246-272A WAC.

Maryanne Guichard, Department of Health, Office of Environmental Health and Safety, will present an overview of the Onsite RDC process and results, describing the intent, benefits, and challenges of the process. She will also describe results from a DOH survey asking Onsite RDC members to evaluate the process they participated in.

We will also hear today from Ron Shultz, natural resource advisor in the Governor's Policy Office, who will communicate the Governor Locke's concern that the draft language proposed by the RDC does not go far enough to address threats from septic systems to water quality and shellfish in the state's marine waters. The Governor is requesting that the Board and the Department considers this issue further as the rule process moves forward.

The onsite sewage system rules are complex and impact Washington residents' public health and economic development—our ability to affordably develop property, harvest and eat shellfish and fish, drink safe water, and return water into our ecosystem. Board and DOH staffs are available to meet with Board members at their convenience to answer questions in detail on any aspects of the rule.

At this time, the onsite sewage systems rule is in the fifth stage of the rule revision process—"SBOH & DOH staff develops draft rule and analyses with sponsor" (please see attached "State Board of Health Rules Process" flow chart). DOH staff plans to obtain public input on the current draft chapter 246-272A WAC through public workshops, stakeholder meetings, and additional methods. Board and DOH staff expect to publish a CR-102 with a revised draft rule

this July, obtain and respond to formal public comment, and hold a CR-102 public hearing in November 2004.

Recommended Board action

I am proposing no formal motion but would like the minutes to reflect how much the Board appreciates the dedication of Onsite Rule Development Committee members and supports the Onsite Rule Development Committee process and report.

Background

The Board has authority to:

adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment and disposal facilities. (RCW 43.20.050 (2)(b))

The Board adopted revised Onsite Sewage System Rules (WAC 246-272) in March 1994 after six years of extensive stakeholder work and public review. The rule revision process was lengthy because of several contentious issues. It involved the Legislature, other state agencies, local health officers, and private sector practitioners.

The rules, which took effect January 1, 1995, directed DOH to maintain an Onsite Advisory Committee (OAC) to assist in the review of program services and to make recommendations concerning department policy and regulations (WAC 246-272-24001). DOH first convened the OAC on October 12, 2000. The OAC proposed 55 recommendations, with three identified as priorities:

1. Improve operations and maintenance of onsite systems by developing management methods and support systems, promoting public/private partnerships, and creating a new position to develop linkages between agencies, organizations, and practitioners.
2. Create a rule development process that is effective, timely, and responsive to the recommendations of the OAC and other stakeholders.
3. Fund initiatives to repair and replace failing onsite sewage systems, to develop local operation and maintenance management programs, and to recoup costs of program services.

In October 2001 the Board received recommendations from DOH and the OAC to revise chapter 246-272 WAC, Onsite Sewage Systems. The Board filed a CR-101 to initiate the rule revision process on January 23, 2001.

Consistent with the OAC recommendation on the rule development process, DOH formed an Onsite Wastewater Rule Development Committee (Onsite RDC) to assist DOH in developing proposed rules. The RDC met 16 times between February 2002 and November 2003. It is made up of some OAC members and additional stakeholder representatives.

The Department of Health (DOH) estimates that 2.4 million Washington state residents rely on approximately 800,000 onsite sewage treatment and disposal systems, and that many of the systems share home sites with private drinking water wells. Onsite wastewater treatment systems work well if they are installed in areas with appropriate soils and hydraulic capacities; designed to treat the incoming waste load to meet public health, groundwater, and surface water standards; installed properly; and maintained to ensure long-term performance (2002 *USEPA Onsite Wastewater Treatment System Manual*).

The number of failing onsite wastewater treatment systems in Washington is unknown. Estimates of onsite wastewater treatment system failure rates in Washington range widely, from one to three percent (Mark Soltman, personal communication) to 33 percent (Nelson, et al, 1999, in the 2002 *USEPA Onsite Wastewater Treatment System Manual*). Onsite wastewater system failures can result in contamination of drinking water wells, groundwater, and surface water (see attached graphic, “Onsite septic system effluent plume movement”). Public health impacts of onsite wastewater system failures include:

- Parasites, bacteria, and viruses can cause communicable diseases through direct or indirect contact or ingestion of contaminated water or shellfish
- Excessive nitrogen in drinking water can cause illness in infants and pregnancy complications.

Attachments